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FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. FILING DATE APPLICATION NO. 991154CIP 9923 Eric S. Kolb 09/963,800 09/26/2001 EXAMINER 03/31/2004 22876 7590 WILLS, MONIQUE M **FACTOR & LAKE, LTD** 1327 W. WASHINGTON BLVD. ART UNIT PAPER NUMBER SUITE 5G/H CHICAGO, IL 60607 1746

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Applic	ation No.	Applicant(s)
		09/96	3,800	KOLB ET AL.
Office Action Summary		Exami	ner	Art Unit
			/I Monique	1746
Period fo	The MAILING DATE of this commu or Reply	nication appears on	the cover sheet wi	th the correspondence address
THE - Exte after - If the - If NO - Failu - Any	ORTENED STATUTORY PERIOD MAILING DATE OF THIS COMMUI nsions of time may be available under the provisio SIX (6) MONTHS from the mailing date of this core period for reply specified above is less than thirty period for reply is specified above, the maximum re to reply within the set or extended period for repreply received by the Office later than three months and patent term adjustment. See 37 CFR 1.704(b).	NICATION. ns of 37 CFR 1.136(a). In nonmunication. (30) days, a reply within the statutory period will apply are left will. by statute, cause the	o event, however, may a restatutory minimum of thirt and will expire SIX (6) MON application to become AB	eply be timely filed (30) days will be considered timely. THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).
1)⊠	Responsive to communication(s) f	led on 22 January 2	<u>2004</u> .	
2a) <u></u>	This action is FINAL.	2b)⊠ This action is	s non-final.	
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.			
Disposit	ion of Claims			
4)⊠	Claim(s) 1-18 is/are pending in the	application.		
	4a) Of the above claim(s) is	are withdrawn from	consideration.	
5)[Claim(s) is/are allowed.			
6)⊠	Claim(s) <u>1-18</u> is/are rejected.			
•	Claim(s) is/are objected to.			
8)[_]	Claim(s) are subject to restr	iction and/or election	on requirement.	
Applicat	on Papers			
9)[The specification is objected to by t	he Examiner.		
10)[The drawing(s) filed on is/ar	e: a)∏ accepted o	r b) objected to I	by the Examiner.
	Applicant may not request that any ob			
_				s) is objected to. See 37 CFR 1.121(d).
-	The oath or declaration is objected	to by the Examiner.	. Note the attached	Office Action or form PTO-152.
•	ınder 35 U.S.C. §§ 119 and 120			
* 5 13)	application from the Internative See the attached detailed Office act acknowledgment is made of a claim ince a specific reference was included 7 CFR 1.78. The translation of the foreign lacknowledgment is made of a claim eference was included in the first seep	y documents have to y documents have to y documents have to soft the priority document (PCT) ion for a list of the confort domestic priority anguage provisional for domestic priority	peen received. Deen received in A Deen received in	pplication No received in this National Stage received. § 119(e) (to a provisional application) ation or in an Application Data Sheet. een received. §§ 120 and/or 121 since a specific
Attachmen			, []	(DTO 440) December (C)
2) Notic	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review mation Disclosure Statement(s) (PTO-1449)			ummary (PTO-413) Paper No(s) formal Patent Application (PTO-152)

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kolb et al. U.S. Patent 6,045,937.

Kolb teaches an electrochemical cell, wherein the cell includes a controlled electrode surface comprising an electrode with a carbonaceous surface, an electrolyte and reduced additive (abstract). The reduced additive is formulated from an additive which is either soluble or insoluble in the solvated electrolyte prior to reduction (claims 5,6 11,12 & 17,18). See the abstract. The invention further includes a passivating layer at the carbonaceous electrode-electrolyte interface causing the additive to substantially prevent gas formation within the cell, which would otherwise result from decomposition of the solvent upon contact with the carbonaceous surface (abstract, claims 2,8 & 14). The additive also increases the first cycle coulombic efficiency relative to the cell without the additive (col. 3, lines 60-68, claims 3,4, 9,10 & 15-16). The additive is included in an electrolyte solvent including propylene carbonate and ethylene carbonate (col. 4, lines

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45-55). The additive inherently has a molecular weight of at least 105 and is represented by the formulas:

meeting the additive structures of claims 1,7 and 13. Therefore, the instant claims are anticipated by Kolb.

Conclusions

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Monique Wills whose telephone number is (703) 305-0073. The Examiner can normally be reached on Monday-Friday from 8:30am to 5:00 pm.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

If attempts to reach Examiner by telephone are unsuccessful, the Examiner's supervisor, Randy Gulakowski, may be reached at 703-308-4333.

The unofficial fax number is (703) 305-3599. The Official fax number for non-final amendments is 703-872-9310. The Official fax number for after final amendments is 703-872-9311.

Mw

11/30/03

PAN'DY GULAKOWSKI SUPERVISORY PATEAT SXAKINER TECHNOLOGY CENTER 1700